

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONTENT GUARD HOLDINGS, INC.,

Plaintiff,

v.

AMAZON.COM, INC., et al.,

Defendants.

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Case No. 2:13-CV-1112-JRG

ORDER

Before the Court is Defendant Motorola Mobility LLC's Motion for Judgment on the Pleadings Declaring All Asserted Patent Claims Invalid Pursuant to 35 U.S.C. § 101 (Dkt. No. 390, filed February 2, 2015) and Amazon.com's Motion to Dismiss Second Amended Complaint (Dkt. No. 298, filed November 21, 2014.)¹ On February 6, 2015, the Court held its scheduled claim construction hearing. On March 20, 2015, the Court issued its Claim Construction Order. The Parties' briefing is fundamentally intertwined with disputes regarding the proper construction of terms that the Court has now construed.² The briefing now before the Court therefore is not readily reconcilable with Court's Claim Construction Order. The Court therefore **DENIES WITHOUT PREJUDICE** Motorola Mobility LLC's Motion for Judgment on the Pleadings Declaring All Asserted Patent Claims Invalid Pursuant to 35 U.S.C. § 101 (Dkt. No. 390) and Amazon.com's Motion to Dismiss Second Amended Complaint (Dkt. No. 298) with leave to promptly re-file in light of the Court's Claim Construction Order.

¹ Amazon's Motion focuses almost entirely on issues under 35 U.S.C. § 101. The portions of Amazon's Motion other than those under 35 U.S.C. § 101 have been denied. (Dkt. No. 469 at 11.)

² In some cases the Court's construction is distinct from the constructions proposed by the parties.

So Ordered and Signed on this

Apr 8, 2015



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE